C.F.100/ SINGLE BENCH (4)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.No.4921 / 2005

Petitioner

P.R. No. 51781 dt. 5/10/05
Presented by Shri Kunal Das
dated 5/10/05

S.J.Singh, S/o Late Shri Kashi Prasad Singh, Aged about 58 and ½ years, Presently working as Sub-Divisional Forest Officer, Surajpur, South Sarguja Division, Ambikapur, R/o Forest Colony Surajpur, District – Sarguja (CG)

Versus

Respondents :

1) State of Chhattisgarh – Through the Secretary, Forest Department, DKS Bhawan, Raipur (C.G.)

2) The Principal Chief Conservator of Forest, Raipur (CG)

3) The Conservator of Forest, Ambikapur, District – Surguja (CG)

4) The Divisional Forest Officer, South Surguja Division, Ambikapur (CG)

5) Shri D.P.Pandey, Presently posted as Deputy Managing Director Federation, North Surguja Division, Ambikapur (CG)

Received Bajpai 4/10/05
INCHARGE
Civil Cases Section
Office of the Advocate General
State of Chhattisgarh
BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4921 of 2005

Petitioner S.J. Singh

Versus

Respondents State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Mr. P.K. Bhaduri, Advocate for the petitioner.
Mr. Vinay Pandey, Panel lawyer for the respondents No. 1 to 4/State.
Mr. Awadh Tripathi, Advocate for the respondent No. 5.

ORDER
(Passed on this 1st day of March, 2007)

1. The petitioner, while working as Sub-Divisional Forest Officer, in Surajpur, South Surguja Division, Ambikapur, was transferred to Tamore Pingla Century, Ambikapur as Superintendent, within the same district, vide impugned transfer order dated 29.9.2005 (P/1).
2. This Court, vide interim order dated 5.10.2005, directed that the impugned order dated 29.9.2005 in respect of the petitioner will not be given effect to, till the next date of hearing. By virtue of the interim order, the petitioner has continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.
6. Consequently, M. (W.)P. No. 3967/2005, application for grant of interim relief and stay, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Bablu